

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

CIVIL ACTION NO. 2:08-md-01968

THIS ORDER RELATES TO ALL CASES

**PRETRIAL ORDER # 82
(Extension of Deadlines for Response and Reply Briefing on Motions for Summary
Judgment and to Exclude Experts)**

Pending is plaintiffs' ex parte application to enlarge the time to respond to defendants' motions for summary judgment and to exclude experts [Docket 532]. The plaintiffs seek an extension until September 2, 2011, giving them a total of 30 days to respond.

Under the current schedule the *Daubert* hearing is set for September 14-15, 2011. This date was agreed to by the parties and ordered in the MDL by PTO #70 on November 19, 2010. The hearing will take place on those dates as scheduled.

Under the current schedule plaintiffs' responses are due August 17, 2011 and defendants' reply briefing is due September 1, 2011. Both dates were agreed to by plaintiffs' counsel when the scheduling order was entered in this MDL in November 2010. The defendants state in their response that they would be agreeable to a one week extension for plaintiffs' response briefing since such an extension would not impact the *Daubert* hearing date. Given this stipulation by the defendants and the fact the plaintiffs have not shown good cause for a longer extension, I hereby **ORDER** that

plaintiffs' response briefing is due **no later than August 24, 2011**, and defendants' reply briefing will be due **no later than September 7, 2011**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 9, 2011



Joseph R. Goodwin, Chief Judge